



Patent  
Attorney's Docket No. 1017750-000732

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP AF</b>
Vernon T. Brady et al.	)	Group Art Unit: 2615
Application No.: 09/975,995	)	Examiner: Briney III, Walter F
Filed: October 15, 2001	)	Confirmation No.: 9493
For: METHOD AND APPARATUS FOR	)	
HIGH FREQUENCY WIRELESS	)	
COMMUNICATION	)	
	)	
	)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated May 30, 2007, a Notice of Appeal is filed herewith, and a Pre-Appeal Conference is requested to review the above-identified application. No amendments are being filed with this request. For at least the following reasons, the rejections raised in the Final Office Action are clearly improper and without basis.

**OVERVIEW**

Independent claims 1, 19 and 29 are allowable over claims 1-10 of US Patent 6,442,374 (Brady et al.); US Patent 5,793,253 (Kumar et al.); and U.S. Patent 4,459,651 (Fenter). Independent claims 1, 19 and 29 are also allowable over U.S. Patent 5,619,503 (Dent et al.); the Kumar et al. patent; and the Fenter patent. These documents, when considered individually or in the combinations as suggested by the Examiner, do not teach or suggest Appellants' below recited claim features. Independent claims 1, 19 and 29 are therefore allowable.

**ARGUMENT**

1. The Examiner Has Failed To Establish A Prima Facie Case of  
Nonstatutory Obviousness-Type Double Patenting In Combining The Brady et al.,  
Kumar et al., And Fenter Patents To Reject Independent Claims 1, 19 And 29

As Appellants have disclosed of record, a power output means 106 supplies an output to a first 90° hybrid 134, such 90° hybrids being arranged in tandem to permit the use of a plurality of separate, parallel stages, or channels, of amplification (e.g., page 8, lines 7 and 8; Fig. 1). Appellants have further disclosed that outputs of a voltage regulator chip 212 include a drive output 222 and an additional output of the voltage regulator (page 10, lines 12-15); and that if the voltage at node 248 rises above a predetermined threshold, current will not flow from the voltage input 202 to the node 248 (page 11, lines 18-20).

The foregoing features are broadly encompassed by claim 1, which recites an apparatus for full duplex wireless communication of information, including, among other features, means for performing at least one of modulating and demodulating information signals, the modulated information signal being boosted in power using a plurality of 90° hybrids arranged in tandem to output a plurality of amplification channels; means for information transmission/reception, said information transmission/reception means providing for information transmission using a first polarization and for information reception using a second polarization to thereby isolate information transmission from information reception in full duplex communication; regulator means having at least one DC voltage regulator for providing at least two DC output voltages; and means for inhibiting a first of said two DC voltage outputs when a second of said two DC voltage outputs is above a predetermined threshold. Claims 19 and 29 recite similar features.

Claims 1-10 of the Brady et al. patent, which the Examiner relies on as the primary reference, do not claim Appellants' "plurality of 90° hybrids arranged in tandem to output a plurality of amplification channels; means for information transmission/reception, said information transmission/reception means providing for information transmission using a first polarization and for information reception using a second polarization to thereby isolate information transmission from information reception in full duplex communication," as recited in claim 1, and as similarly recited in claims 19 and 29.

On page 3 of the final Office Action, the Examiner relies on the Fenter patent disclosure (col. 2, line 1-16) to assert a three-way combination rejection, presumably based on the Brady et al. patent, the Kumar et al. patent and the Fenter patent. Although the Examiner does not seem to address the hybrid arrangement for polarized transmission as Appellants have claimed, even if the Examiner's assertions are considered, the cited passage in the Fenter patent does not speak of Appellants' claimed "at least one DC voltage regulator for providing at least two DC output voltages," and is completely silent as to "inhibiting a first of said two DC voltage outputs when a second of said two DC voltage outputs is above a predetermined threshold." Rather the relevant passage in the Fenter patent (col. 2, line 1-16) merely appears to disclose that "It is a further object of this invention to provide a switching regulator power supply which minimizes power consumption and maximizes energy transfer notwithstanding changes in input line voltage." The Fenter patent, in combination with the Brady et al. patent and/or the Kumar et al. patent, would not have taught or suggested an apparatus for full duplex wireless communication of information, including, among other features, means for

performing at least one of modulating and demodulating information signals, the modulated information signal being boosted in power using a plurality of 90° hybrids arranged in tandem to output a plurality of amplification channels; means for information transmission/reception, said information transmission/reception means providing for information transmission using a first polarization and for information reception using a second polarization to thereby isolate information transmission from information reception in full duplex communication; regulator means having at least one DC voltage regulator for providing at least two DC output voltages; and means for inhibiting a first of said two DC voltage outputs when a second of said two DC voltage outputs is above a predetermined threshold, as recited in claim 1, and as similarly recited in claims 19 and 29.

For the foregoing reasons, Appellants' claims 1, 19 and 29 are allowable. The remaining claims depend from the independent claims and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner.

2. The Examiner Has Failed To Establish A Prima Facie Case of Obviousness In Combining The Dent, Kumar et al., And Fenter Patents To Reject Independent Claims 1, 19 And 29

On page 5 of the final Office Action, the Examiner admits "Dent does not disclose regulating power, or for that matter any manner concerning power consumption." Appellants respectfully submit that the Kumar et al. patent is also silent with respect to the above recited claim features.

As discussed above, the Examiner again relies on the Fenter patent disclosure to assert the combination rejection. However, as argued above, the cited

description does not speak of Appellants' claimed "at least one DC voltage regulator for providing at least two DC output voltages," and is completely silent as to "inhibiting a first of said two DC voltage outputs when a second of said two DC voltage outputs is above a predetermined threshold." The Fenter patent, in combination with the Dent patent and/or the Kumar et al. patent, would not have taught or suggested the above recited features of claim 1.

The Bhame et al. patent does not cure the deficiencies of the Dent patent, the Kumar et al. patent, and the Fenter patent. The Bhame et al. patent was applied by the Examiner for its disclosure of a "cabinet 33" for RF equipment, as best gathered from the disclosure and Fig. 3, but the Bhame et al. patent would not have taught or suggested the above recited features of claim 1, and as similarly recited in claims 19 and 29.

### CONCLUSION

For the foregoing reasons, Appellants' claims 1, 19 and 29 are allowable. The remaining claims depend from the independent claims, and are also allowable. A reversal of the final rejection, and allowance of the present application, are therefore requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 20, 2007

By:   
48360

Patrick C. Keane

Registration No. 32858

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620